



State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

Department of Environmental Quality

William J. Sinclair
Acting Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

Water Quality Board
Joe Piccolo, *Chair*
Paula Doughty, *Vice-Chair*
David F. Echols
Merritt K. Frey
Darrell H. Mensel
Leland J. Myers
William J. Sinclair
Jay Ivan Olsen
Gregory L. Rowley
Steven P. Simpson
Daniel C. Snarr
Phil Wright
Walter L. Baker,
Executive Secretary

MINUTES

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

UTAH WATER QUALITY BOARD

168 North 1950 West, Room 101
Salt Lake City, Utah 84116
Wednesday January 28, 2009

UTAH WATER QUALITY BOARD MEMBERS PRESENT

| | | |
|---------------|---------------|-------------|
| Joe Piccolo | Paula Doughty | Jay Olsen |
| Leland Myers | Steve Simpson | Dan Snarr |
| Darrel Mensel | Greg Rowley | Phil Wright |
| Merritt Frey | | |

ABSENT: Dave Echols and Bill Sinclair

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Walt Baker, Faye Bell, John Whitehead, Leah Ann Lamb, Ed Macauley, Beth Wondimu, John Cook, Matt Garn, Mike Herkimer, Lisa Nelson, Jeff Studenka, Paul Krauth and David Snyder,

OTHERS PRESENT

| <u>Name</u> | <u>Organization Representing</u> |
|-------------------|----------------------------------|
| Jason Lindord | Sunrise Engineering |
| Tim Jones | Jones & DeMille Eng |
| Trevor Lindley | J-U-B Engineers |
| Jim Olson | Brown and Caldwell |
| Doug Nielsen | Sunrise Engineering |
| Christina Osborn | JUB Engineers |
| Ryan Jolley | J & D Eng |
| Toby Wright | Ticaboo Special Serv Dist |
| Mark Stringham | Bear Lake SSD |
| Arlo B. Price | BSSD |
| David Stringham | Bear Lake SSD |
| Amy Odonoshue | Deseret News |
| Dennis Marker | Santaquin City |
| Dale Pierson | Rural Water Assoc of Utah |
| David C. Thurgood | J-U-B Engineers |
| Jane DeGraffinnal | Santaquin City |
| Dan Adams | Langdon Group |

Chair Piccolo called the Board meeting to order at 9:07 a.m. He welcomed those in attendance and invited the members of the audience to introduce themselves.

APPROVAL OF MINUTES OF THE DECEMBER 18, 2008 MEETING

Mr. Olsen noted his name had been misspelled in a few places in the minutes.

Motion: **It was moved by Ms. Doughty and seconded by Mr. Olsen to approve the minutes of the December 18, 2008 meeting with the noted correction. The motion was unanimously approved.**

Executive Secretary's Report: Mr. Baker gave the Board an update on how the Legislative Session is going. The Governor originally request a 7% cut in state agency budgets, and the Legislature has requested 10% to 15%. Only 1/3 of the budget in the Division of Water Quality (DWQ) come from general funds. If the legislature decides on 15% cuts. DWQ's obligation would be approximately \$500,000. However, DWQ's share of the cuts has been reduced to \$273,000. DEQ plans to look at existing vacant positions and will leave them vacant. DWQ has found ways to cut \$273,000, by reducing TMDL work, leaving a temporary monitoring position vacant, and slowing down on database conversions. An issue has arisen regarding the lab analyses that the Department of Health (DOH) performs for DWQ. DWQ receives credits from DOH which are used in lieu of money to do the lab work. There are discussions about closing the lab. If that occurs DWQ would need to contract with a private lab. There is currently no budget for such contract work.

In March there are a number of Board members who will be up for either reappointment or for replacement. Mayor Piccolo has served the maximum time allowed on the Board. We will begin the process immediately of requesting nominees to fill his position and for reappointments.

RULEMAKING:

Request to Initiate Rulemaking R317-1 Definitions and General Requirements and R317-3 Design requirements for Wastewater Collection, Treatment, and Disposal Systems: Mr. Krauth and Mr. Macauley told the Board that staff is recommending that they be allowed to proceed to rulemaking for revisions to R317-1 to clean up the definitions and clarify the requirement to obtain a construction permit, and proceed to rulemaking for revisions to UAC R317-3 to incorporate operating permit requirements for heretofore unpermitted wastewater systems.

Motion: **It was moved by Mr. Myers, and seconded by Mr. Olsen, to proceed to rulemaking for changes to R317-1-7. The motion was unanimously approved.**

Request to Initiate Rulemaking R317-5 Large Underground Wastewater Disposal Systems: Mr. Snyder explained to the Board that H.B. 222 amended the powers and duties of the Water Quality Board to include the authority to issue operating permits for wastewater treatment works and to delegate the authority to issue operating permits to a local health department (*Utah Code 19-5-104*). Staff is recommending that we proceed to rulemaking on UAC R317-5 to incorporate operating permit requirements for these systems.

Motion: **It was moved by Mr. Myers, and seconded by Mr. Olsen, to proceed to rulemaking for changes to R317-5. The motion was unanimously approved.**

Request to Initiate Rulemaking R317-1-9, R317-8-4, *Electronic Transactions Rule*: Mr. Garn explained to the Board that presently all Discharge Monitoring Reports (DMRs) submitted by Utah Pollutant Discharge Elimination System (UPDES) surface water permit holders are submitted by hard copy. Approximately 300 are hand entered into a national database system known as the Integrated Compliance and Information System (ICIS) each month. Net DMR is an internet based program that EPA and selected states developed to allow submission of electronic DMRs. Utah is one of a few states selected to pilot this program. In order to implement this program the state must have proper laws and rules in place to allow electronic submission of DMRs. These laws and rules support an electronic signature program and will allow submission of electronic documents having the same authenticity and legal enforceability as signed paper documents. Utah's statutes are adequate for this effort, but some additions to our rules are needed to implement the program. Ms. Lockhart of the Utah Attorney General's Office and Water Quality Staff drafted the rule additions. Staff is requesting to proceed to rulemaking to adopt these changes. Mr. Baker commented that it would be appropriate to add, the Code of Federal Regulation (CFR) citation to page 2.17.

Motion: It was moved by Mr. Myers, and seconded by Mayor Snarr, to approve staff's request to adopt the changes to R317-1-9 and R317-8-4 with the citation added. The motion was unanimously approved.

LOAN ITEMS

Financial Assistance Status Report – Mr. Macauley updated the Board on the “Summary of Assistance Program Funds,” as outlined on page 3.1.

Annual Report: Mr. Macauley distributed and explained the “State of Utah, Water Quality State Revolving Fund Annual Report – Fiscal Year 2008” to the Board.

Introduction for Bear Lake SSD Funding Request – Mr. Cook introduced Dave Stringham and Mark Stringham with the Bear Lake SSD, and Jason Linford with Sunrise Engineering. Bear Lake SSD (BLSSD) is requesting financial assistance in the amount of a \$4,673,367 loan at an interest rate of 3.5% repayable over 20 years for the construction of a parallel sewer mainline collection system for ultimate build-out. A design advance of \$475,000 is also being requested. Staff will provide comments and recommendations at a subsequent board meeting.

Request to approve Ticaboo Funding Request: Ms. Wondimu introduced Toby Wright and Tim Jones with Jones & DeMille Engineering, Inc. Ticaboo Special Service District #1 (Ticaboo SSD) is requesting financial assistance in the amount of \$232,000 grant and a \$232,000 loan at an interest rate of 0% repayable over 25 years to upgrade its existing wastewater collection and treatment system. The Board requested that Ticaboo develop a sinking fund to properly maintain its wastewater facilities, and that DWQ staff concur with the adequacy of the sinking fund.

Motion: It was moved by Mr. Simpson to approve staff's recommendation to authorize a \$232,000 grant, and a loan of \$232,000 at 0% interest rate with the requirement that Ticaboo develop an appropriate sinking fund. The motion was seconded by Mr. Mensel and was unanimously approved.

Introduction for Santaquin Funding Request: Ms. Nelson introduced Jim Linford and Dennis Marker with Santaquin City and Trevor Lindley with JUB Engineers, Inc. The City of Santaquin is requesting financial assistance in the amount of a \$4,772,000 loan at an interest rate of 3% repayable over 20 years to

construct a new mechanical wastewater treatment plant and add to its collection system to meet current and future needs. Staff will present recommendations at a future Board meeting.

OTHER BUSINESS

Recommendations for Appointments to the 2009 Wastewater Operator Certification Council: Mr. Macauley explained to the Board that as of January 1, 2009, the terms of service for two members of the Wastewater Operator Certification Council will expire. Those are Terral Dunn and Paul Fulgham. Recommendations to fill these vacancies were solicited with the recommendation that Terral Dunn and Paul Fulgham be reappointed to served through December 31, 2011.

Motion: **It was moved by Mr. Myers, and seconded by Ms. Doughty, to approve staff's recommendation to reappoint Terral Dunn and Paul Fulgham to continue serving on the Wastewater Operator Certification Council. The motion was unanimously approved.**

NEXT MEETING – Wednesday February 25, 2009

168 North 1950 West, Room 101, Salt Lake City, Utah 84116
Work meeting will begin at 9:00 a.m. and the Board meeting will begin at 10:00 a.m.

Joe Piccolo, Chairman
Utah Water Quality Board